# THE PRESIDENT'S CHALLENGE TO THE SENATE

BY DAVID JAYNE HILL

AT Paris the President of the United States has had considerable apparent success in securing the embodiment of his own personal terms and at least a part of his plan for a League of Nations in the treaty of peace prepared by the Entente Allies. The reason for this is obvious. The United States was necessary to a victorious conclusion of the Great War, and it is equally necessary to the future maintenance of peace. Representing in his own person, as it appeared, the future policy of America, it was possible for the President at any time to order his ship, to abandon the Conference, and to leave the Entente Allies to face Germany alone. That decision would have created a great embarrassment for the exposed countries like Belgium and France. Such a desertion, it is true, would not have met the approval of the American people, but they would have been powerless to avert its consequences.

When the President, after his brief visit to the United States, returned to Paris to resume negotiations in the Conference, he found that in his absence great progress had been made toward the completion of a treaty that would end the long suspense and bring the war to a formal conclusion; but this treaty did not contemplate the inclusion of the Constitution of the League of Nations. The President had, however, thrown down to the Senators who had declared their unwillingness to ratify the Constitution of the League as it had been presented to them a challenge which he intended to carry out. "When that treaty comes back," he had said in his address in New York, on March 4, "gentlemen on this side will find the covenant not only in it, but so many threads of the treaty tied to the covenant that you cannot dissect the covenant from the treaty without destroying the whole vital structure."

Thirty-six Senators, elected by the people, representing more than two-thirds of the entire population of the United States, were thus virtually informed that the "advice and consent" of the Senate would receive no consideration. They might, if they chose, privately regard the Constitution of the League of Nations as a defiance of their judgment and even a violation of the fundamental law of the Republic, which they had solemnly sworn to defend, but they would find themselves placed in a position in which they would have to accept this document as it had been formulated, without alterations, or they would be compelled to bear the odium of preventing the conclusion of peace, because the League of Nations would be an essential part of the peace treaty.

It is not necessary to dwell upon this defiance of the constitutional division of the treaty-making power and of the purpose with which that division was originally made and should always be maintained. This defiance assumed what every autocratic usurpation of authority assumes, namely, that power could be invoked to sustain it. In this case it would no doubt be an attempt, in the nominal interest of peace, to bring political pressure to bear upon refractory Senators, in order to compel them to yield to a superior will. It requires no reflection to perceive that if this were done and were successful, it would mark the extinction of representative and even of constitutional government in the United States. That it was ever even contemplated indicates a departure from the principles on which our Government is based which should awaken a deep concern for the future and call attention to the perils of autocratic as distinguished from representative democracy.

How serious the incident is from this point of view becomes clear when we compare the status of the American representation in the Peace Conference with that of any other of the Great Powers. In that conclave, the United States is the only country not represented by a single person confirmed by the legislative branch of government; and yet that body, negotiating in secret, has formulated a compact which, if adopted, is to become under our Constitution "the supreme law of the land." The treaty which is to contain this supreme law, it has been declared by the President of the United States, is to comprise matters foreign to its main purpose which cannot be separated from it, and

upon which the legislative half of the treaty-making power is not to be permitted to exercise its untrammeled judgment.

It is in this connection important to note that while the "plenipotentiaries" of the United States in the Peace Conference have no legislative authority and derive their powers solely from the Executive, none of them having been confirmed by the Senate, all the representatives of the European Powers in the Conference are subject to recall by the legislative branch of their governments if their actions in the course of the negotiations are not approved. In order that approval or disapproval may be intelligently expressed and in a timely manner, the legislatures insist that they be kept informed of the course taken; and, as an example of this surveillance, it may be noted that the British Premier found it necessary to return in person to London, in order to explain to the House of Commons the attitude he had taken on behalf of his government in a matter of interest to them. And the Italian Premier did the same.

No European Premier, the head of a responsible government, would for a moment venture to ignore the advice of the legislative body upon which his official existence is dependent, much less to attempt to force its hand by embodying in a treaty anything which he had occasion to believe would not meet with its approval. If he should be so rash as to do so, he would be immediately withdrawn from the negotiations and another would be substituted in his place.

It was certainly never intended by the founders of the American Republic that the vital questions of foreign policy and international engagements should be subject to decision by a single person. If the precautions taken to avoid that result are lightly to be set aside and ignored, and especially if the voice of the people should proclaim a preference for that method of procedure, the United States would at once take rank as the least democratic nation in the world, and there would be new evidence that a democracy unrestrained by law is the inevitable victim of autocracy.

Whatever the attitude of the majority of the people may be in this matter—and it would be a serious reproach to them to suggest that they would approve the suppression of freedom in their representatives—the real issue created by the purpose to force acquiescence is not the ratification

or non-ratification of a particular treaty but the attempt of the Executive to dominate the legislative branch of the Government.

It is of incalculable importance that this issue should be clearly understood. If the compact proposed were the most perfect conceivable, it should still be open to examination by the Senate as a branch of the treaty-making power; for an attempt at adverse criticism would, in that case, only make its perfection more apparent.

Among the arguments employed in support of the League of Nations one of the most forcible is, that the Council and the Assembly afford an opportunity for conference and discussion. But what a mockery of this argument it would be to try to prevent conference and discussion by a responsible body like the Senate of the United States through the inextricable blending of wholly separate propositions, carefully combined with a deliberate purpose to prevent the free action of judgment regarding them! If the business of the League of Nations is to be conducted in this manner or upon this principle, that fact alone should be decisive for rejecting it. The destinies of mankind cannot safely be entrusted to the action of a secret conclave, nor can the future of America be bound up with the ukase of a single negotiator separated from contact with the American people.

The Senate has the constitutional right to withhold its consent from a treaty of which it does not approve. It may withhold it completely or in part. Possessing the right of amendment—which is in effect a conditional ratification—it has a ready defense against any attempt to force its decisions. There can be no intertwining of engagements which it cannot unravel. It can ratify a treaty of peace and at the same time reject a compact for a League of Nations. It would then remain for those responsible for the negotiation of a treaty designed to frustrate the judgment of the Senate to obtain the acceptance of the changes which the amendments might require.

Two courses, in such a situation, would be open. The President might refuse to act any further, or he might consent to reopen the negotiations for the purpose of securing agreement on the changes. In the first case, the responsibility for the delay of a formal conclusion of peace would evidently rest upon those who had concluded a treaty which

they knew beforehand would not be acceptable to a body necessary to ratification.

In the second case, the Signatory Powers could not consistently refuse to separate what they had themselves intended not to join together, until the President forced them to do so; for they were prepared to postpone the League of Nations and sign a preliminary treaty of peace when the President returned to Paris from his visit to America and changed their plans. The embarrassment of asking for a reversal of a course upon which the President had himself insisted would no doubt be for him very great, but the alternative to resorting to it would be a clear responsibility for the failure of the peace negotiations. Whatever course might be followed as a consequence of the Senate's insistence upon its constitutional right, it is inconceivable that four, or ten, or any other number of delegates sitting in council at Paris could frame any document on any subject which the Senate of the United States could be forced by the Executive to adopt against the better judgment of its members. If the people of the United States, for any reason whatever, arbitrarily insisted upon that, it would mark the end of the Republic.

From the beginning it was made clear that the Senate of the United States would not ratify any treaty which created a super-government; that is, a government that rendered the Government of the United States in any way subordinate to it.

Immediately there began a series of extenuations regarding the purport of the Constitution of the League. The representations of Senators regarding it were repudiated as "bogies." Far from the Constitution creating a supernational government, it was declared by its advocates, it was only an agreement to listen to "recommendations," not necessarily to follow them. In the cases where the Constitution seemed to call for war, in order to impose peace, it remained for the separate governments to declare war, or not, as they might deem best. Thus, it turned out that, if this interpretation was correct, it was the League itself that was the real bogie;—a device not to enforce peace by an international army but by sheer intimidation, pretending to show a mailed fist but in fact merely shaking a finger at a possible aggressor.

It was a difficult task to mediate between these extreme interpretations, that of a super-government and that of an unaffected sovereignty. Some middle ground was even more necessary to the theory of the League to Enforce Peace than it was to the President's conception of a league which should aim to "insure" peace; a result which, he thought, might be accomplished without force if the intimidation imposed were sufficiently impressive.

It was upon the President of the League to Enforce Peace, Ex-President William Howard Taft, therefore, that the task chiefly fell, by the use of his great prestige and his dialectical skill, to reconcile the Constitution of the League to the Constitution of the United States. Coming from him, almost any assurance seemed to many citizens a sufficient guarantee that the conflict between the two "constitutions" was purely imaginary, which makes it of importance to know what the former President's position was regarding the obligations of the League.

Answering the argument of Senator Knox, the Ex-President, in his speech before the Economic Club of New York, parried the accusation regarding super-government in the following adroit manner:

"When Senator Knox's attack upon the covenant is analyzed, it will be seen to rest on an assumption that the Executive Council is given executive powers which are unwarranted by the text of the covenant.

"The whole function of the Executive Council is to be the medium through which the League members are to exchange views, the advisory board to consider all matters arising in the field of the League's possible action and to advise the members as to what they ought by joint action to do.

"The council makes few, if any, orders binding on the members of the League. Where the Executive Council acts as a mediating and inquiring body to settle differences not arbitrated, its unanimous recommendations of a settlement must satisfy the nation seeking relief, if the defendant nation complies with the recommendation. All other obligations of the United States under the League are to be found in the covenants of the League, and not in any action of the Executive Council. When this is understood clearly the whole structure of Senator Knox's indictment falls."

The argument here is that the Executive Council is a purely "advisory" body, without any power to command. The obligations of the United States therefore, are not to be found in the action of the Council, but solely in "the covenants of the League." These covenants, being freely made, it is held, are in no sense infractions of sovereignty. On the contrary, they are affirmations of it. They are voluntary agreements.

The answer to Senator Knox then reduces itself to this: that there is in the Constitution of the League as originally presented no element of a super-government. That the League, as such, can enforce nothing; and that the "recommendations" of the Executive Council are in no sense binding.

To verify this interpretation, the Ex-President quotes Lord Robert Cecil as laying down the principle, "that all action must be unanimously agreed to in accordance with the general rule that governs international relations;" adding, that "this interpretation by one of the most distinguished draftsmen of the League shows that all its language, reasonably construed, delegates no power to these bodies to act for the League and its members without their unanimous concurrence unless the words used make such delegation clear." It is interesting, however, to observe that Ex-President Taft has proposed four amendments to the original draft of the Constitution of the League, the third one "definitely stating the rule of unanimity and making it perfectly plain that any action taken by the Executive Council of the League must be unanimous, thereby necessitating the concurrence of the American Government's member of the Executive Council before its action could be binding upon the United States." This amendment has been accepted, and to that extent the League becomes an Entente.

It is not possible, however, thus easily to destroy the argument of Senator Knox. The fact that Mr. Taft finds it desirable to make sure of the unanimity of the Executive Council before it can even be allowed to "recommend," shows that there is lodged within it some potency against which it is necessary to guard. It cannot be overlooked that Article I, creating the Executive Council, makes it the "instrumentality through which action shall be effected." That is why it was called and still is an "Execu-

tive" Council, although the word "Council" is now unqualified. It has important functions to perform. When the allotment of armament has once been made, the scale of forces cannot be exceeded "without the concurrence of the Council" (Article VIII), and under the rule of unanimity one single member could prevent a State from increasing its means of defense. The Council is to "advise" upon the means by which the obligation to protect territorial integrity and political independence, under Article X, shall be fulfilled. If this advice involves a declaration of war, the Governments advised to make a declaration may indeed refuse; but they would, in that case, be regarded as delinquent. Under Article XVI such a member may be expelled from the League; and a member may not voluntarily withdraw on two years' notice unless "all its obligations under this Covenant have been fulfilled at the time of withdrawal" (Article I). A worse situation would arise if the opposition of a member of the Council should nullify any action whatever, and thus completely paralyze the League. When the Council, acting as a judge, makes a recommendation, under Article XII, compliance with the award by one party binds the other to accept it; and, under Article XV, if any party shall refuse so to comply, "the Council shall propose the measures necessary to give effect to the recommendation." Under Article XVI, the Council is to recommend "what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League." Under Article XVII, the Council may coerce States not members of the League, and under Article XXII it exercises sovereign rights through its mandates to members of the League. It is true that all these powers are expressed in terms of invitation rather than terms of command, but unless the Council is regarded as acting with authority it is difficult to see that there is any provision for the effective enforcement of peace or of any covenants whatever.

There remain, however, the "obligations of the Covenant;" and it is upon these that the Ex-President lays the whole burden. The treaty-making power, he holds, —that is the President and Senate,—are empowered by the Constitution of the United States to make treaties, which "enables them to bind the United States to a contract

with another nation on any subject usually the subject matter of treaties between nations, subject to the limitation that the treaty may not change the form of the government of the United States.... It therefore follows that whenever the treaty-making power binds the United States to do anything it must be done by the branch of that government vested by the Constitution with that function." This is to say that when the treaty-making power engages to make war, to raise armies and maintain navies, or not to raise armies and maintain navies, or to do anything which the Constitution empowers Congress to do, Congress *must* do it, and has *no choice,* except to take notice that the obligation has fallen due and action must be taken.

Thus Mr. Taft very ingeniously takes away from the Council of the League all the attributes of a super-government only to include them in the "obligations of the Covenant" created by the President and Senate of the United States.

That the Constitution of the League thus creates a super-government, that is, a form of authority under which the Congress of the United States is compelled to act when the *casus foederis* calls for its action, must be candidly admitted. Senator Knox finds this authority in the Council, the "instrumentality" through which the League's "action is effected." Mr. Taft finds it in "the obligations of the Covenant." In either case, the result is the same. The League binds Congress to declare war, raise and expend money, and do many other acts, not when in its own judgment Congress considers them timely and necessary, but when the "obligations of the Covenant" require it.

These obligations, the Ex-President not only admits but asserts, are *commands* to Congress to act in the way they prescribe. Who then creates these obligations? The President of the United States thinks they can be created by himself alone through his influence at Paris, and that the Senate can then be forced to accept them whether the senators wish to do so or not. The Ex-President of the United States does not go so far as this. He considers it necessary for the whole treaty-making power to create these obligations, but he believes that the President and Senate together can create them; and that, having done so, the Congress of the United States must act when the obligations fall due, and will have no freedom beyond the rec-

ognition of the fact that the time has arrived for the fulfilment of the obligations thus created. The Council will "advise" the Congress of this and "recommend" its action. The only escape from action would be either an attempt on the part of Congress to prove that the Council was misinterpreting the treaty or the failure of our Government to respect it.

In such circumstances, is it reprehensible that the Senate of the United States should wish to consider with great care the nature of the obligations to be undertaken, and should refuse to be forced into acquiescence by an executive demand that all "expediency" is to be disregarded?

Objections to the original proposal accepted at Paris were raised by members of all political parties in the United States. It is futile, therefore, to regard criticism of the Constitution of the League as a partisan opposition. Its most ardent advocate, for reasons which are obvious, has been ex-President Taft. Although committed *a priori* to a "League," there were, nevertheless, modifications which he as well as others considered it desirable to make respecting the engagements of the United States. The first relates to the Monroe Doctrine, consisting of an amendment making reservations to safeguard it; the second to secure any country in the League the right to control matters solely within its domestic jurisdiction, such as the question of immigration; and one to provide for a withdrawal from the League of Nations, and possibly for a definite term of the existence of the League itself. It is noteworthy that all these changes are in the direction of restricting the power and limiting the duration of the League.

Other eminent American statesmen also have suggested improvements in the Constitution of the League as originally proposed. All of them unite in demanding the retention of the Monroe Doctrine. Upon this point Mr. Charles Evans Hughes and Mr. Elihu Root have been particularly explicit in counselling that it be made clear that no obligation assumed by the United States shall imply the renunciation of its time honored policy with regard to strictly American questions.

This earnest expression of solicitude has produced an effect at Paris, but the result has occasioned bewilderment.

It has never been considered that the Monroe Doctrine is to be classed with international engagements, treaties of arbitration, or regional understandings for securing the maintenance of peace, and the amazement was therefore great when the public was informed that Article X, which pledges the members of the League "to respect and preserve as against external aggression" one another's "territorial integrity and existing political independence," was to be amended by the addition of the words:

"Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace," which now appear as Article XXI in the revised Covenant.

It is proudly announced that at last, in the midst of much opposition and by great efforts, the President succeeded in securing recognition of the Monroe Doctrine as a part of International Law! It seems rather disingenuous, after heralding the League as itself an extension of the Monroe Doctrine to all the world, as the President has done, that he should make a struggle for its inclusion in this treaty, and in such a form! That the President should ever have accepted the language of this amendment, which it is inconceivable that any American could have written, as a characterization of a policy of the United States which is neither a law, nor an engagement, nor a regional understanding, but simply and solely a political policy, is certainly surprising.

It is doubtful if the presence of these strange words in the Covenant of the League can ever transform a purely national policy into International Law, which would only denature it. It requires no sanction by a lawmaking body, and if it did the Conference at Paris could not give it. It is a life principle of the American Republic, and means two things: first, that no foreign Power shall ever acquire a foothold on this continent that would menace the security of this nation; and, second, that this nation will never imperil its own existence by intervention in non-American affairs.

Never before the Great War had it been necessary for the United States to fight in Europe for its own rights, but the ambitions and methods of the Imperial German Government created that necessity. We have in this war

fought for Belgium, for France, for Great Britain, and other nations because they were fighting for us, and we shall do so again if our common enemy renews the attack; but we have never yet been committed to a pledge to fight for everybody everywhere. The Monroe Doctrine has remained until now an uncompromised national policy, and it should be permanently maintained in its twofold meaning as a prohibition of foreign intrusion on the American continent and as a limitation of responsibility in other parts of the world.

The amendment as it stands in the revised Covenant does not express this intention. Article XXI has more appropriate application to the secret treaty of London, which the President repudiates, than it has to the Monroe Doctrine; for the secret treaty of London was a "regional understanding," while the Monroe Doctrine is not. The form of reservation attached to the Hague Conventions was explicit and accurate, and might well, with slight modification, be attached to the present treaty, which would be in the spirit of Mr. Root's third and Mr. Hughes' third and fourth proposed amendments.

Mr. Root further suggests, in his sixth amendment, the calling of a general conference of the members after five or ten years to revise the Covenant, after which any member, on a year's notice, may withdraw from the League; and Mr. Hughes would make provision that any member may withdraw "at its pleasure on specified notice," instead of after two years' notice of its intention to do so, as provided in the revised draft of Article I. He also proposed that no member shall be constituted a mandatory without its consent, which has been accepted, and that no European or Asiatic Power shall be constituted a mandatory of any American people.

Even as thus modified, the League would be far from the realization of the highest international ideals. It has been pointed out that the Covenant neither recognizes as binding the rules of International Law nor makes provision for the improvement of them. As a limited corporation in the general Society of States, it cannot claim universality or justly exercise lawmaking powers that all sovereign States would be bound to respect. It would be merely a single political organism in a community of jurally equal States. Other leagues might be formed which, even if they

did not equal it in power, could claim an equal justification for their existence. They also would aim to be self-protective. In brief, even though the League were preponderant, it would not constitute the Society of States.

To prevent the continuance of what would thus remain at most a mere preponderance of power, Mr. Root has proposed in his second amendment a method of making the League the means of a transition to a real Society of Nations. His proposal, which was endorsed by the Executive Committee of the American Society of International Law and cabled to Paris, is as follows:

> The Executive Council shall call a general conference of the Powers to meet not less than two years or more than five years after the signing of this convention for the purpose of reviewing the condition of International Law, and of agreeing upon and stating in its authoritative form the principles and rules thereof.
>
> Thereafter regular conferences for that purpose shall be called and held at stated times.

This wise suggestion was not adopted at Paris; a fact which justifies the inference that the League intends to decide questions of International Law in its own way, and in accordance with its own corporate policies. In short, it intends to act imperially.

As an example of this, take the provision for determining whether or not a given question is one of domestic jurisdiction, like the tariff or the immigration question. Article XV reads: "If the dispute . . . is found by the Council to arise out of a matter which by International Law is solely within the jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement." But, it is immediately added, "The Council may *in any case* under this Article refer the dispute to the Assembly"; that is, even though the question at issue is under International Law a domestic one, upon which the Council made no recommendation, it could be referred to the Assembly for decision! The nature of the decision would then depend upon the policy which the Assembly chose to adopt. If the United States were a disputant, it would have no voice in the decision, which would be made by others, without reference to International Law, in accordance with their prevailing policies, whatever they might be.

Before entering into such bonds with foreign Powers,

it is timely to consider the consequences of making engagements, nominally in the interest of peace, regarding matters which have no logical connection with a treaty of peace and are arbitrarily forced into it. It is inevitable that matters which we have always considered purely national will be treated by the League as international. This is true of our foreign policy as a whole, which under the League would be equally the affair of all the members. Not even the Monroe Doctrine, which we have always considered peculiarly our own affair, would be exempted from this total surrender of national policy. In the British Memorandum, giving the views of London regarding the Monroe Doctrine, for example, that purely American policy is already treated as an "international understanding," to be interpreted and applied by the Council and the Assembly, and not any longer by the United States alone. "Should any dispute arise between American and European Powers," concludes this commentary, "*the League is there to settle it.*"

After such an assumption as this what will remain, under this Covenant, of an independent American foreign policy? The powers which in the first draft of the Covenant were attributed to the Executive Council are in the revised document largely transferred to the Assembly. In that larger body the United States would have three representatives, but only one vote. Among the "original members" of the League and separate "signatories of the Treaty of Peace," are specified, "the British Empire, Canada, Australia, South Africa, New Zealand and India." These six members, with a close community of primary interests, would be entitled to eighteen representatives and six votes in the Assembly, while the United States, which has a greater self-governing population than all of these imperial dominions combined, would have only three representatives and only one vote.

It is an unwelcome task, in view of the close friendship that should exist between the United States and Great Britain, to call attention to this disparity; for real friendship never anywhere long continues in the presence of doubt as to perfect freedom and perfect equality. For common interests and common purposes the United States and Great Britain—which have so much in common—should act together; but it must not be overlooked that the British Em-

pire has interests and policies which the United States has never shared and has not always approved. As a people we have never regretted our separate and independent existence, and there are many millions of American citizens who will not submit to abandoning it now. Nothing could more fatally destroy the friendship of these two countries than a conviction that what was fought for and won in 1776 is to be lightly surrendered in the flood-tide of our national greatness at the end of a victorious war.

There are those who believe that at Paris American interests have been subordinated to foreign interests, in order to secure the success of the President's personal theories. They believe that he went to Europe to say in private what he did not wish to discuss in public; that he intended to establish a League that would make possible a compromise peace; that this League was originally intended to limit the supremacy of Great Britain on the sea, and thus placate the hostility of Germany; that France, as a means of obtaining future security, could be made to enter such a League along with Germany; that, upon these conditions, a general reciprocal guarantee of territory could be obtained, and that the rivalries of trade could in future be avoided by "the removal of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance."

To carry this theory into effect, it was necessary to interweave the treaty of peace with the formation of a League in such a manner that all who desired peace,—for it was certain that all belligerents wished for peace as soon as possible,—would be forced to accept the League, whether they desired it or not; for the League thus organized was to create a new international order, which the President believed would put an end to war, and be the greatest achievement in history.

Without discussing in a critical spirit, the character of the motives of this great enterprise, it is clear that the execution of this purpose involved secrecy, opposition to a prompt peace of victory, negotiation with adverse national interests, and some concessions for the purpose of winning adherents.

It will probably be many years before the conversations of the Supreme Council of Ten, the "Big Four" and the

"Big Three" will become known to the public, and some of them will perhaps never be known or be variously reported in memoirs and autobiographies. The participants will no doubt have for a long time a certain control over one another.

It was pointed out in a friendly spirit, before the President went to Europe, that by appointing himself as first delegate and repudiating written instructions to intermediaries, he was risking the charge of secret diplomacy and the deliberate abandonment of the idea of covenants "openly arrived at."

The Senate of the United States, if the ordinary course had been adopted, would be in a position to know from records what was the actual course of negotiation. In the absence of this, unless the President wishes personally to submit to interrogation, there is room for a wide scope of inference regarding the bargains made to secure the League.

There are those who will wonder why the alleged American plan of a League has never been published; who will infer that it was rejected or withdrawn because it was needful to adopt a more flexible trading programme; and who will think that the Smuts plan was adopted because without concessions to Great Britain there could have been no League, and without a league of some kind the Great Mission would have been a failure.

One might imagine the British Premier as saying: "There is already a League of Nations. The British Empire is such a league. If you will model the League on that, as General Smuts suggests, we might regard it favorably. Of course we must retain our sea-power. Unless you will pledge the large navy you are developing in the United States to the defense of the Empire, we must defend ourselves. Of course under the League the rights of neutrality, to which you have held so closely in the past, would no longer exist. If you will help us out with mandataries and defend our imperial possessions from future attack, perhaps we can arrange for a League."

"But by this plan, what advantage does the United States get?"

"Why, Mr. President, you get the League!"

With France negotiations were, perhaps, less complicated, for without some special provision, even after

peace was signed, France would be unprotected. One can imagine a question to Monsieur Clemenceau: "Where will France look for protection, if not to the League?"—"To the honor of her co-belligerents."—"But would not the mutual guarantees of the League be sufficient?"—"With Germany a League is impossible."

And so, even without documents, the logic of the situation renders it not difficult to understand what has happened at Paris; why the League was always, except in America, regarded and spoken of as *"l'idée Américaine;"* and also why the League had to be intertwined inextricably with the long deferred and much desired treaty of peace, in order to force the hand of the Senate.

Acting by itself, the Senate of the United States would probably regard the prestige of reorganizing the world on paper as bought at too high a price by the acceptance of the responsibilities of Article X and American participation in the international political trust that is to issue "Acts and Charters" for the sovereign rule of countries and colonies in Europe, Asia, and Africa with which the United States, as a constitutional self-governing nation, has no right of interference.

However the Senate may regard the President's challenge, it cannot escape responsibility for its decision. There is one aspect of the subject of the highest importance to the future of the American Republic that has been left in obscurity by nearly all who have commented on the proposed League, namely, the joint imperialism which it establishes. This, though overlooked in America, is well understood in Great Britain, and preparations are making to render it effective. General Smuts, who is a practical officer, recognizes that it is necessary for the League "to train big staffs to look at things from a large human, instead of national, point of view." The Grand Secretariat now being organized in London, under the direction of Sir James Eric Drummond, of the British Foreign Office, will be the school in which the international bureaucracy will be formed and tempered to its task. Viscount Grey sees a great future for this super-national rule of the world under benevolent experts. "I don't see," he said, "why the League of Nations, once formed, should be necessarily idle." Nor would he leave it without means of action. "I don't see why," he continued, "it should not be arranged

for an authoritative and an international force to be at its disposal, which should *act as police in individual countries.*"

It is this that makes the acceptance of a place in the League by the United States so imperative for its success. This policing of the world requires men and money. America has both. Europe's answer to America's great idea of a League is, "We accept it with pleasure. Now stop the fighting that has not ceased from Finland to the Crimea while the Peace Conference has been in session. We have our own idea of these things based on a long experience. We will try your plan, but in the meantime, you must make the Turk spare the Armenian, a mutilated Poland be satisfied with its lot, keep the Hungarians and the Roumanians quiet on the Theiss, settle the disputes of the Italians and the Jugo-Slavs in the Adriatic, make Persia a safe place to live in, and keep Germany within bounds. Unless your League can do these things, it has not helped us much, but if it does then it will be chiefly at your expense; for we must put our house in order and pay our debts while we guard our frontiers. We have not asked you for a League. We are interested in our own national life. We have consented to the League, but we have never much believed in it. Now let America show us that it will work."

And the Senate will have to answer to the country for the engagements it ratifies.

DAVID JAYNE HILL.